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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 LARRY SNYDER, and on behalf of all)
14 unnamed Plaintiffs similarly situated,)
v.)

15 Plaintiff,) Case No. 4:20-cv-08419-KAW
16 v.) STIPULATION AND ORDER
17 DOES 1 THROUGH 50, Inclusive,) FURTHER MODIFYING
identified as MONSANTO COMPANY,) DEADLINES AND
PBI-GORDON CORPORATION, and THE) CONTINUING INITIAL CASE
DOW CHEMICAL COMPANY,) MANAGEMENT CONFERENCE
Defendants.) (AS MODIFIED)

18 Pursuant to Civil Local Rule 7-11, Plaintiff LARRY SNYDER (“Plaintiff”), and
19 Specially Appearing Defendants MONSANTO COMPANY, PBI-GORDON
20 CORPORATION, and THE DOW CHEMICAL COMPANY (“Defendants”), as and for their
21 Stipulation to Modify Deadlines and Continue Initial Case Management Conference,
22 respectfully state the following:

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27 ¹ Pursuant to Civil Local Rule 3-4, a complete list of parties represented is contained on the signature pages of this
28 Stipulation.

1. On November 30, 2020, the Defendants removed this action from the Superior Court of the State of California for the County of Alameda. [Dkt. No. 1].

2. On January 19, 2021, Plaintiff filed his First Amended Complaint (“FAC”).
[Dkt. No. 19.]

3. On February 18, 2021, each of the Defendants filed Motions to Dismiss. Defendant Monsanto Company filed its Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 8(a), 9(b), 12(b)(2), and 12(b)(6), and Alternatively Motion to Strike [Dkt. No. 28]. Defendant PBI-Gordon Corporation filed its Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 8(a), 9(b), 12(b)(2) and 12(b)(6) and Alternatively, Motion to Strike [Dkt. No. 30]. Defendant The Dow Chemical Company filed its Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to F.R.C.P. Rules 8, 9, 12(B)(2) & (6), 12(f), 12(c)(1)(A) & 23(d)(1)(D) [Dkt. No. 31].

4. On February 18, 2021, the parties received Notice that the Initial Case Management Conference was rescheduled to July 27, 2021, with the Case Management Statement due by July 20, 2021. [Dkt. 29].

5. On June 11, 2021, the parties received Notice vacating the hearings set for June 17, 2021, on said Motions to Dismiss. The parties were further notified that said Motions to Dismiss will be decided on the papers. [Dkt. No. 45].

6. On July 13, 2021, defendant Monsanto Company filed an Uncontested Administrative Motion To Modify Deadlines and Continue Case Management Conference [Dkt. No. 46] (the “Initial Administrative Motion”), and a Stipulation and Order Modifying Deadlines And Continuing Initial Case Management Conference [Dkt. No. 47], requesting that the Court extend the deadlines for exchanging Initial Disclosures, the filing of a Case Management Statement and the date of the Initial Case Management Conference until at least thirty (30) days after the Court has ruled on the Motions to Dismiss.

1 7. On July 15, 2021, the Court enter an order granting the Initial Administrative
2 Motion, which extended the deadline to file a Joint Case Management Statement to September
3 21, 2021, and continued the Initial Case Management Conference to September 28, 2021. [Dkt.
4 No. 48].

5 8. The Motions to Dismiss remain *sub judice* before the Court.

6 9. In light of the pending Motions to Dismiss, the parties hereby stipulate, subject
7 to Court approval of this stipulation, to a further continuation of the deadlines for the exchange
8 of Initial Disclosures and the Case Management Statement until thirty (30) days after the Court
9 rules on Defendants' pending Motions to Dismiss. The parties further jointly request that the
10 Initial Case Management Conference be continued to a time at least 30 days after the Court
11 rules on the pending Motions to Dismiss.

12 10. Continuing the deadline to file a Case Management Statement and the Initial
13 Case Management Conference until at least 30 days after the Court has ruled on the pending
14 Motions to Dismiss would permit the parties sufficient time to exchange Initial Disclosures and
15 to prepare the Case Management Statement in advance of the Initial Case Management
16 Conference. This requested continuance would serve the interest of judicial economy, conserve
17 the Court's and the parties' resources, and allow for a more efficient and productive discussion
18 with the Court during the Initial Case Management Conference given the procedural posture of
19 this case. Specifically, considerable resources and litigation costs incurred in preparing the
20 Case Management Statement and in preparing for the Case Management Conference and
21 related deadlines will be avoided if the Court grants the pending Motions to Dismiss.

22 11. All parties to this action have conferred and consent to this Stipulation, the relief
23 requested herein, and the following proposed order.

24 NOW, THEREFORE, Plaintiff and Defendants hereby stipulate to, and request that the
25 Court enter, an order further extending the deadlines for the exchange of Initial
26 Disclosures, and filing of a Case Management Statement to January 25, 2022, and

1 continuing the Initial Case Management Conference to February 1, 2022 at 1:30 p.m.

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5 DATED: September 2, 2021

GOMEZ LAW GROUP

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12 ATTORNEYS FOR LARRY SNYDER, and on
13 behalf of all unnamed Plaintiffs similarly situated

14 DATED: September 3, 2021

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(sued herein as DOE 1)

3 DATED: September 2, 2021

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17 DATED: September 2, 2021

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26 ATTORNEYS FOR SPECIALLY APPEARING
27 DEFENDANT THE DOW CHEMICAL
28 COMPANY (sued herein as DOE 2)

1 PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.
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4 DATE: September 10, 2021
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Hon. Kandis A. Westmore
United States Magistrate Judge
Northern District of California

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